

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS  
LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**SECOND AMENDED MASTER  
SHORT FORM COMPLAINT FOR  
DAMAGES FOR INDIVIDUAL  
CLAIMS AND DEMAND FOR JURY  
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:  
~~Patti Schandelmeier~~ Patricia Schandelmeier
2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:  
N/A
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):  
N/A
4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:  
Florida

1           5.     Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence  
2                     at the time of injury:

3                     Florida

4           6.     Plaintiff's current state(s) [if more than one Plaintiff] of residence:

5                     Florida

6           7.     District Court and Division in which venue would be proper absent direct  
7                     filing:

8                     Florida Middle District Court, Fort Myers

9           8.     Defendants (check Defendants against whom Complaint is made):

10                   ☒     C. R. Bard Inc.

11                   ☒     Bard Peripheral Vascular, Inc.

12           9.     Basis of Jurisdiction:

13                   ☒     Diversity of Citizenship

14                   ☒     Other: MDL 2641 Centralization

15           a.     Other allegations of jurisdiction and venue not expressed in Master  
16                     Complaint:

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20           10.    Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making  
21                     a claim (Check applicable Inferior Vena Cava Filter(s)):

22                   ☐     Recovery<sup>®</sup> Vena Cava Filter

23                   ☐     G2<sup>®</sup> Vena Cava Filter

24                   ☐     G2<sup>®</sup> Express Vena Cava Filter

25                   ☐     G2<sup>®</sup> X Vena Cava Filter

26                   ☐     Eclipse<sup>®</sup> Vena Cava Filter

27                   ☒     Meridian<sup>®</sup> Vena Cava Filter

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- ☐ Denali<sup>®</sup> Vena Cava Filter
- ☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

10/29/2012

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Florida (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages



☒ Other(s): All claims for Relief set forth in the Master Complaint for an amount to be determined by the trier of fact including for the following: (please state the facts supporting this Count in the space immediately below):

Plaintiff suffers from IVC filter perforation, migration, and tilt. The filter struts are perforating the inferior vena cava wall with one strut abutting a branch of the inferior mesenteric artery.

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 13th day of February, 2019.

**JOHNSON LAW GROUP**

By: /s/ Clint Reed

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I hereby certify that on this 13th day of February, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Clint Reed